



# **MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012**

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## **TITLE VI – PUBLIC SAFETY COMMUNICATIONS AND ELECTROMAGNETIC SPECTRUM AUCTIONS**

# **MAKING GOOD ON AN OVERDUE PROMISE TO OUR NATION'S FIRST RESPONDERS**

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- **Act implements key Administration priorities**
  - Public Law No. 112-96 (enacted February 22, 2012)
- **NTIA to establish the First Responder Network Authority (FirstNet)**
- **FirstNet to establish a nationwide public safety broadband network (PSBN) based on a single, national network architecture**
- **Reallocates 700 MHz D Block spectrum to public safety**
  - The Federal Communications Commission (FCC) to grant a single license to FirstNet for the use of both the 700 MHz D block and existing public safety broadband spectrum
- **Deficit-neutral**
  - Funded through proceeds of spectrum auctions through FY 2022
  - Network is self-sustained over long-term through fees

# TECHNICAL ADVISORY BOARD FOR FIRST RESPONDER INTEROPERABILITY



- Act establishes an Interoperability Board within the FCC
- FCC Chairman to appoint 14 voting members not later than 30 days after enactment
- NTIA Assistant Secretary appoints 1 non-voting member (*Dereck Orr of PSCR has been appointed*)
- Not later than 90 days after enactment, the Interoperability Board, in consultation with NTIA, NIST, and OEC, shall:
  - Develop minimum technical requirements to ensure a nationwide level of network interoperability
  - Submit to the FCC for review the recommended minimum technical requirements
- Not later than 30 days after the date on which the Interoperability Board submits recommendations to FCC, the FCC shall approve the recommendations with any revisions it deems necessary and transmit them to FirstNet



# FIRST RESPONDER NETWORK AUTHORITY

## “FirstNet”



- Act establishes FirstNet as an independent authority within NTIA
  - Exempt from Paperwork Reduction Act (PRA), Administrative Procedures Act (APA), and Regulatory Flexibility Act (RFA)
- Headed by a 15-Member Board
- Holds a single public safety 700 MHz wireless broadband license
- Takes all actions necessary to ensure the design, construction, deployment, and operations of the nationwide PSBN, in consultation with Federal, State, tribal, and local public safety entities, Director of NIST, the FCC, and public safety advisory committee
- Ensures deployment phases with substantial rural coverage milestones



- **FirstNet Board shall consist of:**
  - **Secretary of Homeland Security**
  - **Attorney General of United States**
  - **Director of Office of Management and Budget**
  - **12 individuals to be appointed by the Secretary of Commerce not later than 180 days after enactment.**
  - **The appointments shall have:**
    - **Not fewer than 3 individuals to represent collective interests of States, locals, tribes, and territories**
    - **Not fewer than 3 individuals who have served as public safety professionals**
  - **The appointments shall:**
    - **Seek to ensure geographical and regional representation**
    - **Seek to ensure rural and urban representation**



# FIRSTNET BOARD (cont.)

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- Each Board member shall have at least **1** of the following qualifications:
  - **Public safety expertise** – Knowledge and experience in Federal, State, local, and tribal public safety or emergency response
  - **Technical expertise** – Technical expertise and fluency regarding broadband communications, including public safety communications
  - **Network expertise** – Expertise in building, deploying, and operating commercial telecommunications networks
  - **Financial expertise** – Expertise in financing and funding telecommunications networks



# FIRSTNET

## PUBLIC SAFETY ADVISORY COMMITTEES

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- FirstNet shall establish a standing advisory committee for public safety
- FirstNet may also establish, as necessary, additional standing or ad hoc committees, panels, or councils



# STATE AND LOCAL CONSULTATION



- **FirstNet must consult with regional, State, tribal, and local jurisdictions regarding the distribution and expenditures of any amounts required to carry out its responsibilities, including:**
  - Construction or access to the core network and any radio access network build out;
  - Placement of towers;
  - Coverage areas of the network, whether at the regional, State, tribal, or local levels;
  - Adequacy of hardening, security, reliability, and resiliency requirements;
  - Assignment of priority to local users;
  - Assignment of priority and selection of entities seeking access to or use of the nationwide interoperable PSBN; and
  - Training needs of local users



**FirstNet consultation must occur through the designated single officer or governmental body designated by each State**



# STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM

- NTIA shall establish a grant program to States
- Program shall assist State, regional, tribal, and local jurisdictions to identify and plan the most effective way to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide PSBN
- Not later than 6 months, and in consultation with FirstNet, NTIA must establish grant program requirements, including:
  - Defining eligible costs
  - Determining scope of eligible activities
  - Prioritizing grants for activities that ensure coverage in rural as well as urban areas
- Each State shall certify a single officer or governmental body to serve as coordinator of implementation of grant funds
  - Also serves as point for FirstNet consultation under §6206



# STATE NETWORK PROCESS



- FirstNet must complete the RFP process for the construction, operations, maintenance, and improvements of the nationwide PSBN
- Upon completion of the RFP process, FirstNet will notify the Governor of each State (or his/her designee) of:
  - Completion of the RFP process;
  - Details of the proposed plan for buildout of the nationwide, interoperable broadband network in the State; and
  - Funding levels for the State as determined by NTIA
- No later than 90 days after being notified by FirstNet, each Governor must choose whether his/her State will:
  - Participate in the deployment of the nationwide PSBN as proposed by FirstNet; or
  - Conduct its own deployment of a radio access network in the State



# STATE NETWORK STEPS



- If State decides to opt-out, the Governor must notify FirstNet, NTIA, and the FCC
- The State then has 180 days to develop and complete RFPs for the construction, maintenance, and operations of the radio access network (RAN) within the State
- The State shall submit an alternate plan for the construction, maintenance, and operations of the RAN within the State to the FCC and the plan must demonstrate:
  - That the State will be in compliance with the minimum technical interoperability requirements
  - Interoperability with the nationwide public safety broadband network
- FCC shall review and either approve or disapprove the plan





# STATE NETWORK PLANS AND POTENTIAL GRANT

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- **If the FCC approves the plan:**
  - State may apply to NTIA for a grant to construct (not operate and maintain) the RAN within the State
  - State shall apply to NTIA to lease spectrum capacity from FirstNet
- **In order to obtain a grant and lease, the State must demonstrate it has:**
  - Technical capability to operate, and the funding to support, the State radio access network;
  - Ability to maintain ongoing interoperability with the nationwide PSBN;
  - Ability to complete the project within the specified comparable timelines specific to the State;
  - Cost-effectiveness of the State plan; and
  - Comparable security, coverage, and quality of service to that of the nationwide PSBN





# STATE NETWORK PLANS AND POTENTIAL GRANT

- **If the FCC disapproves the plan:**
  - The construction, maintenance, operations, and improvements of the network within the State shall proceed in accordance with the plan proposed by FirstNet
  - U.S. District Court for the District of Columbia has exclusive jurisdiction to review a decision of the FCC
- **Additional State Network Items:**
  - If a State chooses to build its own RAN, the State shall pay any user fees associated with the State use of elements of the PSBN
  - **Matching Share Requirement:** Section 6302 requires that the federal share of any activity carried out under that section using a grant may not exceed 80 percent of the eligible costs of carrying out that activity
  - Therefore, there will be a minimum 20 percent matching requirement for both the State and Local planning grants and the State construction grants





# FUNDING

## NTIA BORROWING AUTHORITY

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- The Act grants NTIA borrowing authority not to exceed \$2B to implement Subtitle B – Governance of Public Safety Spectrum



- The Act grants NTIA borrowing authority not to exceed \$135M to implement Section 6302 – State and Local Implementation
- In each case, NTIA borrows the initial funds from the general fund of the Treasury prior to the deposit of auction proceeds into the Public Safety Trust Fund (PSTF)



# FUNDING

## PUBLIC SAFETY TRUST FUND

- Amounts deposited in the PSTF are funds from the incentive auctions to be carried out by the FCC under 47 U.S.C. § 309(j)(8)(G) or the auction of spectrum pursuant to Section 6401
- Funds deposited in the PSTF are available on a cascading order of priority:
  - Repayment of amounts borrowed by NTIA - up to \$2B
  - Repayment of amounts borrowed by NTIA - up to \$135M
  - Buildout of PSBN in the amount of \$7B minus amount borrowed initially by NTIA (Section 6207 of the \$2B)
  - Public Safety Research and Development - \$100M
  - Deficit Reduction - \$20.4B
  - 911, E911, and NG911 - \$115M
  - Additional Public Safety Research - \$200M
  - Any additional deficit reduction

*Note: PSTF may not be the first fund to receive auction proceeds*





# TIMELINE

2/22/12 - Enactment of Statute

3/23/12 - 30 days/FCC appoints Interoperability Board

5/22/12 - 90 days/Interoperability Board submits recommendations to FCC

6/21/12 - +30 days/FCC approves recommendations with any necessary revisions

8/20/12 - 180 days/Secretary of Commerce appoints FirstNet Board

8/22/12 - 6 months/NTIA establishes requirements for State and local planning grants

TBD - FirstNet forms Advisory Committee for Public Safety

TBD - FirstNet establishes itself with resources, develops RFIs, consults with designated agent for States, completes RFPs, and releases notice

TBD - States have 90 days after receipt of notice to opt-in or opt-out



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# **QUESTIONS AND COMMENTS**